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ABSTRACT

Despite much publicity, hearings, legislative efforts, and other minor accomplishments in recent years, migrants are still one of the most disadvantaged and impoverished groups in the U.S. Among their problems is that they have neither the political, economic, nor other means of mitigating their problems. Some of their problems include uncertain jobs, changing work locations, seasonally induced intermittent work periods, traveling to distant areas, temporary and often inadequate housing, low earnings, fewer educational opportunities, and lower educational attainment. Their only hope of alleviating these problems remains in congressional action to: (1) change current laws which exclude farmworkers from social protections and (2) amend the Immigration and Nationality Act, thus reducing the excessive and potentially endless supply of workers from Mexico. Yet, the migrant's crucial need is for a more active and effective policy by the Federal Government to: (1) mitigate the extreme severity of migrancy and (2) determine and implement measures which will help to eliminate migrancy. (NQ)

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MIGRATORY FARMWORKER PROBLEMS AND NEEDS

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Migrants have little, if anything, but problems; not the least of them is that they have neither the political, economic, or other means to mitigate these problems more than the slightest amount. Their often desperate situation and chronic need for ameliorating actions by others is so well known that their plight has become a perennial topic for high school and college students across the nation. Despite much publicity, many hearings, some legislative effort and some minor accomplishments in recent years, migrants remain one of the most disadvantaged and impoverished groups in the land.

THE PROBLEMS

Their uncertain jobs and changing geographic work locations, with seasonally induced intermittent work periods, travel to distant areas where they live in temporary and often inadequate housing, and the resulting meager earnings under harsh working and living conditions have been hashed and re-hashed by pundits of the mass media and by officials at all levels of government over the past two decades. Yet the migrants' ability to earn remains impaired, and their earnings typically insufficient by any standard. Furthermore, they continue to be excluded from the forms of social protection afforded other workers. Even though the number of migrant jobs has declined rapidly in recent years -- as mechanization and other farm technology advanced -- and migrant labor is frequently in oversupply, an excess of entrants from Mexico continues to adversely affect that employment, wages, and well-being of all farmworkers.

Although a few migrants are now technically covered by the Federal minimum wage law, their average annual earnings in 1970 were $1,930 from an average of 88 days of farmwork ($1,202) and 45 days of nonfarm work ($727).

In spite of these low earnings, as mechanization of a particular crop occurs, employment is reduced in that crop, causing a gap in the migrants' itinerary and the prospect of even lower earnings from farmwork. Thus for migrants, it becomes even less rewarding to go to areas where the crops are grown, and their already meager livelihood is in further jeopardy.

Despite the Migrant Health Act, per capita expenditures for migrant health care are but a small fraction of that for the total population. Infant mortality rates are higher and life expectancy much lower for migrants than for the general population.

A major hope for breaking the poverty cycle is through education of the children, but deprivation and the transitory nature of migratory work causes migrant children to have fewer educational opportunities and lower educational attainment than any other group of American children. Although the funds for improving primary and secondary schools have soared to new heights and the average educational level of the American labor force has risen to exceed the high school level, migrants have attained and average level of about 8.5 years and many remain functionally illiterate.

From the standpoint of alleviating the problems, apparently the only hope of migrants remain congressional action to change current laws that exclude farmworkers from social protections enjoyed by others and to amend the Immigration and Nationality Act so as to reduce the excessive, and potentially endless supply of workers from across our Southern border.

NEEDS

While there is abundant need and room for State and local efforts on behalf of migrants, clearly the crucial need is for a more active and effective policy by the Federal government to (1) mitigate the extreme severity of migrancy, and (2) determine and implement measures that will help to eliminate migrancy.

A. Mitigating the Severity of Migrancy

While our goal should be the elimination of family migrancy, that event does not appear likely to occur in this decade. For while the application of science and technology to agriculture will continue the downward pressure on farm employment, that has been rapidly reducing the number of migrant jobs, all of the types of jobs performed by migrants will not disappear in the foreseeable future.

Major and dramatic labor-saving technological breakthroughs, such as the mechanical cotton and tomato harvesters, are relatively infrequent. Although another such major event is now pending in the mechanical tobacco harvester, which portends an impact of substantial proportions that will be largely concentrated in the Southeastern states, its direct effects on employment will be greater on the jobs of small farm operators (including tenants) and members of their families and locally hired workers than on migrants. Even though the actual number of migrant, casual, and seasonal wageworkers employed in tobacco is not known, there is sufficient information on the organization of tobacco production, farm family labor, and aggregate information on hired labor to indicate that migrants are not major participants in tobacco production.

Displacement of these farmworkers will, however, contribute to the already excessive number of ex-farmworkers who are ill prepared for nonfarm work and consequently the source from which many migrants originate.

Typically, labor-saving innovations in agricultural production tend to eliminate farm jobs gradually. The many engineering, horticultural, and other technical problems involved in developing economically feasible mechanical harvesters for fresh market fruit and vegetable crops -- which have resisted mechanization thus far, and so continue to be major employers of migrants -- appear sufficiently formidable, with current research and development efforts, to assure a residue of stoop and hand labor jobs for the foreseeable future.

Aside from advances in technology, there is nothing else visible that will cause migrants to discontinue following the crops. To the contrary, unless stringent restrictions are placed on employers in an effort to eliminate family migrancy, most migrant families will continue their annual treks out of economic necessity, and the ensuing mobility will continue to reinforce their poverty status.

Unfortunately, too many of the past efforts on behalf of migrants, by both the Legislative and Executive branches of government at all levels have been ineffective programs largely uncoordinated and of questionable value to migrants.

At least five Departments, and several different agencies within some of these Departments, have programs involving migrants. But there is no one (person, group, office, agency, or organization) responsible for coordinating activities on behalf of migrants so that they best serve the

migrants' needs, and that they are carried out effectively.

1. Administrative Efforts

Assignment of explicit overall responsibility for the total program, not only to obtain greater efficiencies from improved coordination of existing efforts and programs but also, to create an effective focal point for implementing and assuring that appropriate new government policy, efforts, and programs are coordinated from the beginning and oriented towards common objectives and goals.

Organizational forms through which this may be accomplished include: (1) A Migrant Council in the Office of the President; (2) A Subcommittee on Migrants of the Domestic Affairs Council; (3) An Inter-Departmental Committee on Migratory Farm Labor; (4) A National Advisory Council on Migratory Farm Labor created by legislative rather than administrative action.

The Migrant Council could consist of a chairman, appointed by the President, and those Cabinet Members administering programs relative to migrancy, each of whom may appoint an Assistant Secretary as his alternate. The Council would employ a high level and knowledgeable executive secretary and supporting staff to carry out its work.

The Subcommittee on Migrants could be established within the Domestic Affairs Council and consist of an Assistant Secretary, appointed by the Secretary, from each Department having a program or any other responsibility substantially relating to migrancy and a senior level Migrant Staff Officer, with a supporting staff, having the sole duty of effectively carrying out the work of the Subcommittee.

An Inter-Departmental Committee on Migratory Labor would require the full support of the appropriate Cabinet members who would appoint representatives empowered to act for their Department. These representatives would comprise the committee, which may elect a chairman from among their ranks, if the Cabinet members choose not to appoint one.

A National Advisory Council On Migratory Labor has been proposed in both houses of the Congress (e.g. S. 195, 1/11/67; H.R. 1996, 1/11/67; and H.R. 2022, 1/11/67; H.R. 19551, 11/1/70). Such a council would be comprised of private individuals, representing farmers and migratory workers or who have knowledge or experience in the determination and solution of migratory worker problems, and of knowledgeable persons who have had experience as state officials. The council would advise the President and the Congress on the operations and effects of existing Federal laws, regulations, programs, and policies relating to migratory agricultural labor. It would analyse and evaluate problems, and make recommendations for new policies and programs designed to solve them, and on means of more effective coordination of programs of Federal, State, county, and local agencies (wording largely from S. 195).

Alternatives one, two, and three have the advantages of ease of formation. Numbers one and two offer, in that order, greater advantages in the simplicity of streamlined organization, clearer cut, and more direct lines of authority. The combination of these would greatly enhance cooperation -- both between and within Departments, enable flexibility in operation, and the timeliness of action, which are conducive to effective administration.

At the very least, the following are necessary for dealing with the many chronic ills attending migrancy.

a. Conduct a thorough overview and review of all existing programs -- including those pertaining to or involving job placement and job creation, education, training, relocation, experiment and demonstration projects, health, housing, research, and/or evaluation that do or should pertain to migrancy and of the administrative regulations, procedures, and efforts to determine if, why, and how they exclude, discriminate against, or otherwise fail migrants -- and affect appropriate changes.

b. Advocate, coordinate, and facilitate efforts by agencies to assist migrants in obtaining jobs and settling out along the migratory stream, to train and resettle migrants, to develop jobs in migrant home base areas, to ameliorate the harsh living and working conditions of those who continue in migrancy.

c. Ascertain and implement any additional administrative effort needed -- including that to assure sufficient research and supporting efforts to obtain and maintain a satisfactory level of program-oriented information -- and initiate actions to obtain needed legislation.

2. Legislative Efforts

Among the considerable needs for legislation to eliminate discriminatory exclusions and correct inequities which adversely affect migrants, and generally all other farmworkers, there are some requiring immediate attention. The following must be achieved to correct injustices and make possible significant improvements in the well-being of farmworkers.

a. An amendment to the National Labor Relations Act or a related measure is needed to extend collective bargaining rights, which have long been enjoyed by other workers, to farmworkers; and -- at the same time, provide appropriate protections for farm employers and the nations food supply.

b. An amendment of the Immigration and Nationality Act (Public Law 414) to stem surplus legal and illegal labor along the Southern border. The current border crossing documents and the fact that employers of illegal labor face no legal sanction must be changed before significant improvement in the migrant labor status can be expected in some areas.

c. Other legislative items for consideration include:

(1) Workmens compensation;

(2) Unemployment insurance; and

(3) Equitable treatment under the Fair Labor Standards Act (minimum wage law).

B. Determining and Implementing Measures for Eliminating Migrancy

Clearly, the chronic state of the problem-ridden migrant labor system will not be easily improved. Instant, ill considered solutions can be disasterous.

The need is not only for a means of eliminating the migratory labor system as we now know it, or at least the system of family migrancy, but for a way of accomplishing this in the lease adversely disruptive and most humane manner possible. Moreover, in addition to the great need for alleviating the plight of migrants, there is a further need to answer the increasing number of questions about ways to prevent the perpetuation of an inferior occupational class, doomed to a continued existence of shame

and misery. Accordingly, any serious evaluation of the matter should clearly indicate that the need is for comprehensive search for potential solutions followed by a rigorous analyses of all the facets and ramifications, before proceeding with recommendations or implementing actions.

These efforts, like those discussed in the previous section, should be carried out by the Migrant Council, the Subcommittee on Migrants, or other form of organization selected to deal specifically with these farm labor problems. In the conduct of this work, the staff of the selected organization should maintain close communications with knowledgeable persons of the appropriate agencies and Departments, but the organization, or its staff, should not be allowed to impose their work upon people in those agencies. The problems of migrants; the rest of the hired farm work force, sharecroppers, and small and low-income farmers has been afforded too low a priority by the Federal Government. As a result, relatively few people are employed in this area of work. In some Departments, there is not even one person with the single responsibility for migrant problems. Utilization of such a person for extended staff work necessarily interfers with the performance of his regular responsibilities.

One approach with apparent potential for the elimination of migrancy which the selected organization should consider is to promote the application of mechanization and technology for crops with high seasonal demands. Current research and development efforts in this area by the U. S. Department of Agriculture and the land-grant universities could very likely be intensified by additional funding or a reordering of priorities at current funding.

If this or a similar type of approach were found worthy of implementing, past events indicate its time rate would need to be guided by a balanced program of rational manpower adjustment, which has thus far been conspicuously absent in the technological displacement of hired and other types of farm labor. Also, whatever approach is taken, it would likely be enhanced by a coordinated effort of the agricultural industry, Federal, State, and local governments, and the land-grant universities.